

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Donald K. Masdea Jr.**  
**aka Donald K. Masdea**  
**Michele R. Masdea**  
**aka Michele R. Simon**  
Debtor(s)

Bankruptcy Case No.: 14-22116-CMB  
Issued Per Dec. 7, 2017 Proceeding  
Chapter: 13  
Docket No.: 109 – 102, 103  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 13, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,912 as of December 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.  
The claim of Santander Consumer USA at Claim No. 27 govern with payment beginning December 2016.  
The secured claim of Wilmington Savings Fund Society, FSB/Beneficial at Claim No. 23 shall govern as to prepetition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record.  
Wells Fargo Bank (Claim No. 16) principal balance of \$34,998.88 to be paid in section 5 of the

Plan at plan interest rate, with non-interest bearing arrears of \$384.33, and escrow of \$369.19 from month 1, then following all payment changes of record.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: December 11, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Imaged Certificate of Notice Page 5 of 7

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Donald K. Masdea, Jr.  
Michele R. Masdea  
DebtorsCase No. 14-22116-CMB  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
Form ID: 149Page 1 of 3  
Total Noticed: 47

Date Rcvd: Dec 11, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 13, 2017.

db/jdb  
cr  
cr  
13917449 +Donald K. Masdea, Jr., Michele R. Masdea, 532 Justus Street, Carnegie, PA 15106-2011  
13859999 +Beneficial Consumer Discount Company, 14841 Dallas Parkway Suite 300, Dallas, TX 75254-7883  
13860000 +Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor,  
Pittsburgh, PA 15212-5860  
13917449 American Express Bank, FSB, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
13859999 American Express Corporation, P.O. Box 1270, Newark, NJ 07101-1270  
13860000 Beneficial Mortgage Company, P.O. Box 5233, Carol Stream, IL 60197-5233  
13860001 Bill Me Later, P.O. box 105658, Atlanta, GA 30348-5658  
13898325 +Borough of Carnegie, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,  
Pittsburgh, PA 15219-6101  
13898324 +Borough of Carnegie/Carlynton SD, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,  
Pittsburgh, PA 15219-6101  
13860014 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
(address filed with court: Home Depot, P.O. Box 182676, Columbus, OH 43218-2675)  
13860002 Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083  
13860004 Capital One Bank, P.O. Box 71107, Charlotte, NC 28272-1107  
13919184 Capital One, N.A., c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
13860006 Chase Bank, c/o Card Member Services, P.O. Box 15153, Wilmington, DE 19886-5153  
13860007 Chase Bank, c/o ARS National Services Inc., P.O. Box 463023, Escondido, CA 92046-3023  
14674835 +Chrysler Capital, P.O. BOX 961275, FORT WORTH, TX 76161-0275  
13860009 Citizens Bank, P.O. Box 42010, Providence, RI 02940-2010  
13882931 +Department Stores National Bank/Macy's, Bankruptcy Processing, Po Box 8053,  
Mason, OH 45040-8053  
13860012 Fashion Bug, P.O. Box 659728, San Antonio, TX 78265-9728  
13860013 GE Credit Retail Bank Mastercard, P.O. Box 530939, Atlanta, GA 30353-0939  
13927047 +HSBC Mortgage Services, Inc., P.O. Box 21188, Eagan, Minnesota 55121-0188  
13860018 Macy's, P.O. Box 183083, Columbus, OH 43218-3083  
13862161 +PNC BANK, PO BOX 94982, CLEVELAND, OHIO 44101-4982  
13860021 PNC Bank Visa, P.O. Box 856177, Louisville, KY 40285-6177  
13921427 +Peoples Natural Gas Co LLC Equitable Division, 225 North Shore Drive,  
Pittsburgh, PA 15212-5860  
13870271 +RBS Citizens, 443 Jefferson Boulevard RJW-135, Warwick, RI 02886-1321  
13860022 Target, P.O. Box 660170, Dallas, TX 75266-0170  
13904692 +WELLS FARGO BANK, N.A., ATTENTION: BANKRUPTCY DEPARTMENT, MAC # D3347-014,  
3476 STATEVIEW BOULEVARD, FORT MILL, SC 29715-7203  
13860024 Wells Fargo Mortgage, P.O. Box 11701, Newark, NJ 07101-4701  
14421444 +Wilmington Savings Fund Society, FSB, d, Serviced by Select Portfolio Servicing,,  
3217 S. Decker Lake Dr., Salt Lake City, UT 84119-3284

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13899604 +E-mail/Text: bncmail@w-legal.com Dec 12 2017 01:31:56 ALTAIR OH XIII, LLC,  
C O WEINSTEIN, PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
13896395 +E-mail/Text: bncmail@w-legal.com Dec 12 2017 01:31:56 CERASTES, LLC,  
C O WEINSTEIN, PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
14224958 +E-mail/Text: bankruptcy@consumerportfolio.com Dec 12 2017 01:31:57  
CONSUMER PORTFOLIO SERVICES, INC., P.O. BOX 57071, IRVINE, CA. 92619-7071  
13860010 E-mail/PDF: creditonebknofications@resurgent.com Dec 12 2017 01:35:39 Credit One Bank,  
P.O. Box 60500, City of Industry, CA 91716-0500  
13867686 E-mail/Text: mrdiscen@discover.com Dec 12 2017 01:30:55 Discover Bank,  
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025  
13860011 E-mail/Text: mrdiscen@discover.com Dec 12 2017 01:30:55 Discover Card, P.O. Box 71084,  
Charlotte, NC 28272-1084  
13860015 E-mail/PDF: gecsed@recoverycorp.com Dec 12 2017 01:35:33 JC Penney, c/o GE Credit Bank,  
P.O. Box 960090, Orlando, FL 32896-0090  
13860016 E-mail/Text: bnckohlsnotices@becket-lee.com Dec 12 2017 01:31:01 Kohl's, P.O. Box 2983,  
Milwaukee, WI 53201-2983  
13934130 E-mail/PDF: resurgentbknofications@resurgent.com Dec 12 2017 01:35:25  
LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,  
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
13860017 E-mail/PDF: gecsed@recoverycorp.com Dec 12 2017 01:35:15 Lowe's, P.O. Box 530914,  
Atlanta, GA 30353-0914  
13896897 E-mail/Text: bkr@cardworks.com Dec 12 2017 01:30:51 MERRICK BANK,  
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
13860019 +E-mail/Text: bkr@cardworks.com Dec 12 2017 01:30:51 Merrick Bank, P.O. Box 9201,  
Old Bethpage, NY 11804-9001  
13901979 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 12 2017 01:41:23  
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
13910570 E-mail/Text: bnc-quantum@quantum3group.com Dec 12 2017 01:31:15  
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
13885536 E-mail/Text: bnc-quantum@quantum3group.com Dec 12 2017 01:31:15  
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
13882333 +E-mail/Text: bncmail@w-legal.com Dec 12 2017 01:31:56 TD BANK USA, N.A.,  
C O WEINSTEIN, PINSON AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 47

Date Rcvd: Dec 11, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13860023 E-mail/PDF: gecsedl@recoverycorp.com Dec 12 2017 01:35:54 Walmart, P.O. Box 530927,  
Atlanta, GA 30353-0927

TOTAL: 17

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Beneficial Consumer Discount Company  
cr Borough of Carnegie  
cr Carlynton School District  
cr Duquesne Light Company  
cr Wells Fargo Bank, N.A.  
cr Wilmington Savings Fund Society, FSB, d/b/a Christ  
cr\* +BENEFICIAL CONSUMER DISCOUNT COMPANY, 14841 Dallas Parkway, Suite 300,  
Dallas, TX 75254-7883  
cr\* +Beneficial Consumer Discount Company, 14841 Dallas Parkway, Suite 300,  
DALLAS, TX 75254-7883  
cr\* Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
13860020\* ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
(address filed with court: National Tire & Battery, c/o NTB Credit Plan, P.O. Box 183015,  
Columbus, OH 43218)  
13860005\* +Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083  
13860003\* Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083  
13860008\* Chase Bank, c/o ARS National Services Inc., P.O. Box 463023, Escondido, CA 92046-3023  
14151733\* Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
cr ##+SELECT PORTFOLIO SERVICING, INC, 3815 South West Temple, Salt Lake City, UT 84115-4412  
TOTALS: 6, \* 8, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 13, 2017

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on December 11, 2017 at the address(es) listed below:

Celine P. DerKrikorian on behalf of Creditor Beneficial Consumer Discount Company  
ecfmail@mwclaw.com  
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana  
Trust, as indenture trustee, for the CSMC 2017-1 Trust, Mortgage-Backed Notes, Series 2017-1  
bkgroup@kmlawgroup.com  
Jeffrey R. Hunt on behalf of Creditor Borough of Carnegie jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor Carlynton School District jhunt@grblaw.com,  
cnoroski@grblaw.com  
Joseph P. Schalk on behalf of Creditor Wells Fargo Bank, N.A. jschalk@barley.com,  
sromig@barley.com  
Kenneth Steidl on behalf of Joint Debtor Michele R. Masdea julie.steidl@steidl-steinberg.com,  
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;leslie.  
nebel@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-st  
einberg.com  
Kenneth Steidl on behalf of Debtor Donald K. Masdea, Jr. julie.steidl@steidl-steinberg.com,  
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;leslie.  
nebel@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-st  
einberg.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

District/off: 0315-2

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Total Noticed: 47

Date Rcvd: Dec 11, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,  
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 11